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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**

**CENTRAL DIVISION**

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**SAMUEL ARAGON,**

Plaintiff,

v.

**USF REDDAWAY, INC.,**

Defendant.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

**Case No. 2:09CV475DAK**

**Judge Dale A. Kimball**

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This case was referred to Chief Magistrate Judge Nuffer pursuant to 28 U.S.C. § 636(b)(1)(B). On October 1, 2009, Chief Magistrate Judge Nuffer issued an Order to Show Cause why the case should not be dismissed for failure to prosecute. Plaintiff was given until November 2, 2009, to respond. On November 5, 2009, Chief Magistrate Nuffer issued a Memorandum Decision and Report and Recommendation concluding that the case should be dismissed for failure to prosecute. The Report and Recommendation notified Plaintiff that he had ten days to file an objection. Instead of filing an objection specifically to the Report and Recommendation, Plaintiff filed a response to the Order to Show Cause explaining his difficulty in obtaining counsel and asking for sixty days to find an attorney and move his case forward.

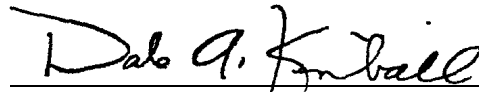
This court remanded the matter to Chief Magistrate Nuffer for a determination of whether the reasons provided in the response would cause him to alter his Report and Recommendation. Chief Magistrate Nuffer then granted Plaintiff an extension of 60 days to serve Defendant. Plaintiff was notified that if he had not served Defendant by March 1, 2010, his case would be dismissed for failure to prosecute. Plaintiff did not serve the Complaint by March 1, 2010, and

there was no other activity in the case. Accordingly, on March 3, 2010, Chief Magistrate Nuffer issued another Report and Recommendation. Plaintiff has not objected to the Report and Recommendation and the time for filing such objection has passed.

After reviewing the matter *de novo*, the court fully agrees with the analysis in Magistrate Judge Nuffer's prior orders and Reports and Recommendations. The court adopts the Report and Recommendation in its entirety. This case is, therefore, dismissed for failure to prosecute. The Clerk of Court is directed to close the case.

DATED this 29<sup>th</sup> day of March, 2010.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball", is written over a horizontal line.

DALE A. KIMBALL  
United States District Judge